

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 11, 2003**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 11, 2003, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Howard, and Land

Absent: Council Members – Hitchcock*

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

*Absent due to attendance at the American Farmland Trust National Conference.

B. CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

C. TOPIC(S)

C-1 "Woodbridge Irrigation District Water Agreement"

With the aid of overheads (filed), Public Works Director Prima presented the following information. Documentation indicates that saline intrusion is now well into the middle of Stockton. The intrusion is likely due to a combination of the migration of water eastward and an upwelling of saline water from underneath. Lodi sits atop a layer of saline water. Mr. Prima reported that at 600 feet and lower the water is brackish and not directly usable without expensive treatment. The groundwater aquifer is replenished primarily by the Mokelumne River and migration of water from the east. Since 1986 there has been a cumulative loss in storage of 2.5 million acre feet. On a net basis (average annual) the City uses more groundwater than is being replenished and the demand continues to rise. Mr. Prima explained that as a municipal provider of water, and one that relies solely on groundwater, Lodi is considered an appropriator. The City does not have overlying rights to pump groundwater. He indicated that if a situation arose in the future where users were at an impasse, the water basin would be adjudicated and a lawsuit would settle who gets to use the groundwater. Mr. Prima believed that scenario would negatively impact Lodi's ability to pump additional water in the future. He reported that the state has been passing various laws recently that link development approval with water supply. In the case of groundwater overdraft the City is required to show plans on how it will obtain future water supplies.

Mr. Prima stated that Lodi has no direct rights on the Mokelumne River for use of surface water. Staff received Council approval to participate in the Mokelumne River Water and Power Authority, which is a joint powers entity that was started by San Joaquin County. Lodi will be contributing \$150,000 this year for consultant work to perfect a water rights filing that the county has on the Mokelumne and a Federal Energy Regulatory Commission license for power generation on the Mokelumne River. The county has had the filing for over ten years. He stated that three alternatives were being considered: 1) a dam at Middlebar upstream from Pardee, 2) take water from Pardee and put peak water into Duck Creek reservoir, and 3) take water when it is available in other times at other locations.

The City has been working with the Groundwater Banking Authority to attempt to do a groundwater banking project. A test project with East Bay Municipal Utility District (EBMUD) was halted when an export permit was denied by the county. Mr. Prima reported that North San Joaquin, Stockton East, and Central Irrigation Districts have been discussing forming their own Joint Powers Agreement (JPA) to take control of the eastern basin including having the authority over the county in terms of the groundwater export

ordinance. Stockton is pursuing a project to take Delta water, treat it, and use it in its system. Mr. Prima stated that recycling is another potential in the long term for an alternative water supply. A dual distribution system was considered in the wastewater treatment master plan. In this concept, one water system would provide non-potable water for uses such as landscape irrigation and firefighting. The cost to bring the water from the wastewater plant into town was estimated at \$8 million. The distribution system would be an additional cost.

Mr. Prima recalled that Woodbridge Irrigation District (WID) had been working for years on a project to replace its dam. They developed a project that has state of the art fish screens, ladder, etc. that is advantageous from an environmental standpoint. The estimated cost of the dam is \$20 million. WID has obtained the necessary permits, which are generally active for one to two years, and now feels an urgency to move forward with the project. WID has indicated it has 6,000 acre feet of water available annually that it could sell. This represents one-third of Lodi's annual demand. Mr. Prima stated that approximately 25% of the City's water use could be considered overdraft. WID wants \$1.2 million (\$200 an acre foot) fixed for six years, with an escalator clause beyond that at a minimum of 2% and a cap at 5%. Mr. Prima said that, if approved, the City would build facilities to take the water. He commented that groundwater injection is a strong possibility.

There are provisions in the draft agreement for additional water under various circumstances. If a supply were obtained on the Mokelumne River, WID would charge \$20 an acre foot to wheel the water through the canal. The agreement also includes language regarding a first right of refusal for additional water should it become available. The agreement would be for a 40-year term. The WID supply is subject to curtailment in dry years, which on average occurs once in four or five years. During dry years its annual 60,000 acre feet of supply is reduced to 39,000. The agreement states that Lodi would also be subject to curtailment in dry years. There are two circumstances for carryover water:

- 1) If the agreement is started in 2003 and the City is not ready to use the water, a credit of up to three years of water (18,000 acre feet) would be given and during future wet years the City could draw the additional credited water over and above the 6,000 acre feet it is entitled to.
- 2) During a curtailment, whether because of maintenance on the dam or from water cut back in a dry year, the water that is not taken could be credited for use in later years.

The agreement will be enhanced to include language about being able to use the WID right of way for a distribution system. A preliminary concept is to build a string of injection wells running down the canal right of way. Another option is to build the outtake facilities and assist them to send the water into town using other land. Mr. Prima stated that one of the advantages to the water agreement is the certainty of the water supply. WID has pre-1914 rights, which is a key factor in California water law. In addition, this agreement can be entered into without state approval. Mr. Prima stated that there is no other way to get surface water to Lodi that would be cheaper than taking it out of the WID canal.

Council Member Land stated that South San Joaquin is pursuing surface water delivery through a pipeline and asked what the cost was per acre foot, to which Mr. Prima answered approximately \$500.

In answer to questions posed by Council Member Hansen, Mr. Prima reported that the groundwater under Lodi is closest to one of the major sources of recharge from the Mokelumne River. Before Lodi runs out of water there will be vast areas on the west side of the county dealing with saline water, which will have a huge effect on the economy. Groundwater contamination is another issue to be considered. There is growing concern over nitrates in the county. Mr. Prima estimated that it would cost \$15 to \$20 million to build a water treatment plant that would provide water for drinking. Another alternative is to have a dual system where part of the City uses chlorinated water from a surface plant and the remaining area uses groundwater.

In response to Council Member Hansen, City Manager Flynn stated that the money could come from the water fund enterprise. He stated that the City could recoup its costs by selling the water to a third party until such time as the City needed the water. He explained that water promotes growth and believed that it was important to take advantage of this opportunity so that the City has some say in the growth of north San Joaquin County.

Anders Christensen, Manager of Woodbridge Irrigation District, reported that WID's rights were filed in 1886 and are not subject to State Water Board approval and would not require any additional agreement from EBMUD. The water being offered is water that growers have conserved through drip irrigation. He stated that the water available to Lodi under the draft agreement must be used within the City by the City. There are three tiers of water:

1. \$200 an acre foot – for 6,000 acre feet a year;
2. \$100 an acre foot – when additional water is available, over and above 6,000;
3. \$20 an acre foot – to wheel other water through the canal system.

Mr. Christensen stated that the water WID is conserving is protected under the Water Code. WID intends to use the funds for building a new dam. The dam will be operated as a year-round facility, providing greater benefits for some of the flood flows that could be captured on the river, as well as increasing recreation days by having Lodi Lake full year round.

In answer to questions posed by Council Member Beckman, Mr. Christensen explained that the price of water depends on many factors including location, term, etc. He reported that almost every landowner within the community pays assessments in terms of standby charges, i.e. if they have water available to them, but do not use it. In accordance with Water Code Section 22280 WID charges a groundwater assessment charge for the benefit of percolation that results from the District's operation of its earth-lined canal system. In reference to parcels in the City of Lodi that are paying fees to WID, Mr. Christensen indicated that this would be changed if the City approves the agreement. He reported that up until about two years ago WID sold water to the few remaining agriculture parcels within Lodi north of Kettleman Lane. Mr. Christensen stated that over the course of the last two years WID sold water to members at \$14 an acre foot. In addition, WID has a share of the property taxes that are collected within its district, standby charges of \$2 an acre, and the recharge fee, which combined totals approximately \$25 to \$30. He did not believe it was appropriate to use that to come up with a cost comparison to the proposed agreement because WID paid for the development of its District and infrastructure with yesterday's dollars. In reference to the groundwater assessment fee charged to non-users of water, Mr. Christensen explained that each year an engineer does a report on groundwater levels within the area, as well as a calculation of the losses to percolation in the District's canal system. Hydrology maps show that water is made higher not only because of the Mokelumne River, but by WID's operation of its canals and the fact that it brings in 60,000 acre feet of water each year. If that water were absent, the availability of storage within the basin would be much greater. He justified the recharge assessment fee, whether the water was sold to Lodi or EBMUD, because the recharge from the District's canal system would continue either way. He reiterated that the water available for sale is water that the District has conserved. WID could lose the water if it is not put to use. The conservation has come from the conversion of agriculture irrigation from furrow and flood, to drip. A lot of acres that had been using well water now use WID water and using surface water saves groundwater. In answer to what WID has done to recharge the groundwater basin, Mr. Christensen reported that WID has spent hundreds of thousands of dollars installing screening equipment and structures to make full use of surface water to its growers. It is providing water by not lining its canal system. It has been estimated that 25% of WID's water (15,000 acre feet a year) goes into percolation. Lodi is benefited because its wells dip into that same aquifer.

Council Member Beckman noted that it would be WID's members west of Lodi who would be the first impacted by the saline intrusion. He stated that Lodi and North San Joaquin

Continued March 11, 2003

Water Conservation District have been actively trying to improve the water basin and yet it appears that WID is trying to profit off this by charging \$200 an acre foot for water.

Mr. Christensen replied that the dam WID is proposing to construct will benefit the area as a whole.

Council Member Hansen pointed out a conflict between the statement made by the City Manager suggesting that Lodi could sell water to a third party and Mr. Christensen's statement that the water must be used within the City and by the City.

Mr. Prima replied that it is a difference of interpretation between the City and WID, and he indicated that the language in the agreement needed to be refined.

Council Member Hansen asked how much authority WID had in setting the price.

Mr. Christensen indicated that it is solely up to WID, and \$200 an acre foot is the price being offered.

Mr. Prima pointed out that the debt service on the \$20 million dam would be \$1.2 million a year, which equals the annual cost to the City at \$200 an acre foot for the water. He noted that the same canal that runs through Lodi runs through the county and winds up in north Stockton. In light of the alternatives, he implied that it would not be advantageous to start "shopping."

Council Member Hansen believed that the new dam would provide huge benefits not only for Lodi, but for the environment.

Mr. Christensen stated that, optimistically, construction on the dam could begin in late 2003.

In answer to questions posed by Mr. Flynn, Mr. Christensen acknowledged that the dam would benefit members of the District and that they would not be paying higher rates in order to finance the dam. Mr. Christensen clarified that he viewed the proposed agreement as purely a water sale, rather than the purchase of a facility.

Council Member Beckman asked if a better price could be negotiated on the water sale if the City were to partner on building the dam.

Mr. Christensen indicated that it was not an option.

Mayor Pro Tempore Howard viewed this matter strictly as a water sale, in which the City has been given an opportunity to purchase a commodity that is exhaustible, and therefore very valuable. She believed that how WID spends the money is up to them. She pointed out that as proposed, the money would stay in this area and the dam would benefit the local community.

PUBLIC COMMENTS:

- Ed Steffani, General Manager of North San Joaquin Water Conservation District (NSJWCD), mentioned that staff in the Public Works Department have been providing the NSJWCD with clerical assistance. He asked that Council take no action on the WID proposed agreement until the following three NSJWCD matters have reached a conclusion:
 1. NSJWCD has petitioned the state to extend its water rights for 20,000 acre feet annually out of the Mokelumne River for another 40 years. NSJWCD's permit expired December 2000, at the same time that EBMUD's permit for Camanche expired. Both agencies have asked for extensions from the state.
 2. A letter signed by three assembly members, Stockton East Water District, Central San Joaquin, South Delta, and Central Delta will soon be sent to the State Water Resources Control Board requesting reallocation of 50,000 acre feet annually

from EBMUD to NSJWCD in an effort to correct a past error. Mr. Steffani explained that the state had made an error by ignoring the fact that NSJWCD's original application was for a municipal use, i.e. water for Lodi. In addition the state had indicated that NSJWCD would eventually get a water supply from the Folsom South Canal, which has never materialized. Mr. Steffani stated that additional letters on this subject will be sent by Senator Poochigian and the Farm Bureau.

3. A mailed ballot election will be conducted in July 2003 requesting approval for NSJWCD to impose a charge of up to \$5 per acre per year. The charge would apply to every household in the portion of the City that is within the District. A meeting on this topic will be held at Hutchins Street Square on April 3.

Mr. Steffani objected to WID's definition of conserved water. He argued that by the City buying 6,000 acre feet of "conserved" water it is only getting back what would have been recharged into the basin if flood irrigation was still occurring, rather than drip. He believed that WID has a responsibility to recharge the basin and should be building spreading basins to get the water back into the ground. He asserted that it was irresponsible of WID to suggest that it might sell the water out of the area.

Mr. Steffani stated that if NSJWCD's election is successful, the \$5 charge would take effect once the District is putting 12,000 acre feet of water back into the ground annually. The District has currently been recharging 3,000 acre feet. He pointed out that the \$1.2 million annual cost in WID's proposed agreement equates to approximately \$100 per household per year and noted that NSJWCD could provide much more benefit to the basin for significantly less money. He reported that NSJWCD has a right to 20,000 acre feet annually out of the Mokelumne River and has been using 3,000 acre feet. Consequently there is 17,000 acre feet of water that could be wheeled to Lodi through WID canals at no cost and put into the ground today.

- Dennis Haugan stated that he was speaking on behalf of himself as a citizen of the community who wants to see it continue to develop and have an assured water supply. He reported that for 18 years he worked for Monterey County Flood Control. He reviewed the history of Monterey County's water projects and the Salinas Valley saline intrusion problem. He stated that the 1982 Arroyo Seco project cost \$265 an acre foot for water. Mr. Haugan voiced support for the WID proposal.

Council Member Hansen expressed concern that Mr. Steffani's request is to delay action on this matter pending resolution of an issue dependent on the state, which typically is a very slow process. WID's proposal presents a finite window of opportunity for Lodi.

Mr. Steffani stated that he anticipated a reply from the state regarding NSJWCD's water right extension request sometime in 2003.

In reference to NSJWCD's water right extension, Mr. Prima recalled that the state was considering a reduction of its allocation. In addition, it is not a permanent water right; it is a contracted right tied in with EBMUD. Mr. Prima believed that likely nothing would come of the letter addressing the state's "error" and noted that the issue has been ongoing since the 1950s.

In reply to Council Member Land, Mr. Prima anticipated having the initial report back from Saracino Kirby Snow in two to three months, which will outline options and relative rough costs. He reported that the Urban Water Management Plan addresses the fact that the City is over drafting the basin and needs to come up with a plan to deal with it. The next Water Plan is due at the end of 2004.

In response to Council Member Land, Mr. Flynn suspected that there would need to be a water rate increase.

Mr. Prima added that the City could scale back on the replacement program to help soften the financial impact. In addition, development fees could shoulder a portion of the cost.

Council Member Land believed that a rate increase would likely be necessary to build any type of facility to utilize the water. Before injecting the water into the ground, it would need to be treated first. He supported the idea of using the water for landscaping irrigation purposes. He asked if there was a renewal provision on the 40-year contract, and whether it gives the City the first right to purchase the 6,000 acre feet of water.

Mr. Prima indicated that language in the agreement regarding a renewal provision needs more work. Currently there is consideration for the City to give two years notice of its wish to renew and begin negotiations again; this, however, would be contingent upon approval by WID.

Council Member Land hoped that the renewal provision would be improved; noting that if the City comes to rely on the water source it would, in a sense, become captive when the 40-year term expired. In concept, he believed the WID proposal was a good opportunity for the City. He pointed out that availability of water is a key consideration of the Local Agency Formation Commission (LAFCO) when annexations are being contemplated.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:40 a.m.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Woodbridge Irrigation District (WID) Water Agreement

MEETING DATE: March 11, 2003 (Shirtsleeve Session)

PREPARED BY: Public Works Director

RECOMMENDED ACTION: None – Information only.

BACKGROUND INFORMATION: As the City Council is well aware, Lodi's sole water supply is groundwater that we draw from the overused (overdrafted) basin we share with our neighbors. While the catastrophic impacts of overdrafting the basin – mainly saline intrusion, from which the basin cannot recover – are not an imminent threat to Lodi, this is a problem for the entire area and Lodi should become part of the solution.

Lodi currently uses approximately 17,000 acre-feet of water per year, and our use is expected to grow to nearly 23,000 acre-feet by 2020. Our "deficit" in terms of overdraft is difficult to quantify, however, it has been estimated to be approximately 5,000 acre-feet under current conditions and up to 11,000 acre-feet in the future. (See attached Tables 3-5, 3-6, 3-7 and 4-1 from our latest Urban Water Management Plan.)

The City Council has directed staff to pursue various partnerships to bring supplemental water supplies to our area. We have participated with adjacent water districts, San Joaquin County, and the City of Stockton in attempts to implement a groundwater-banking plan for our area. To date, these efforts have been unsuccessful. We are in the process of joining the Mokelumne River Water and Power Authority to obtain additional supplies from the Mokelumne River. (The Authority is currently only San Joaquin County and will include Stockton and Lodi.) The success of this effort is many years from being known.

Staff has also had informal discussions with the Woodbridge Irrigation District (WID) over the years in conjunction with various water, drainage and Mokelumne River issues. The relationship between the City and the District has been a good one, and when the WID recognized they have some available water due to various conservation measures of District lands, these informal discussions led to talks about water supply. We have recently worked with the District on a water sale agreement and wish to review the major points of discussion with the City Council before we bring a final draft to the Council for consideration in the near future.

The major points are:

- 6,000 acre-feet of water annually to the City – This represents the amount of water the District feels it can provide under normal circumstances.
- Payment to the District of \$1.2 million annually – This amounts to a cost of \$200 per acre-foot, which is a reasonable and fair amount, particularly in light of the cost of our alternatives and the fact that the delivery point for the water is at our doorstep. (For example, costs for the Mokelumne project are upwards of \$400 per acre-foot with no delivery system.)

APPROVED: _____
H. Dixon Flynn -- City Manager

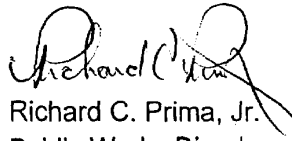
- City to build and pay for facilities necessary to accept and use the water – As previously approved by the City Council, we have begun studies to determine these costs and examine alternative methods of use (direct use, groundwater recharge, etc.).
- Provision for additional water under various circumstances – Should we obtain other rights on the Mokelumne, we could "wheel" water via the WID at a reduced cost, or if the WID had additional water available, we could purchase it at a lower rate.
- Price escalator provisions after six years – Linked to the CPI with a 2% minimum and 5% maximum.
- A 40-year term, with renewal provisions
- Provisions for dry year curtailments – Recognizing that the WID's supply is reduced in dry years, and that the City can fall back on groundwater, we can reduce our use of surface water in a greater proportion than the District (see next point).
- Provisions for "carryover" or banking of water – Recognizing that we will not be able to use the water immediately, we can "bank" the first three years for use later, as the water is available. Similarly, during dry years when we curtail use per the preceding point, we can use additional water in later, wet years.
- Use of the District canal and rights-of-way for delivery and distribution – In addition to eventually building supply intake(s) within the WID canal right-of-way, we may wish to use the canal right-of-way to transport water to portions of the City or build groundwater injection facilities.

City and District staff will be available at the shirtsleeve session to explain these points in more detail and respond to questions.

The District wishes to pursue the construction of their new dam now that they have received the necessary Federal and State approvals, while they are "fresh". Pending approval by the District Board, staff is prepared to bring the agreement to the regular Council meeting on April 2 for approval.

Staff is proposing the funding for this agreement in the upcoming water utility budget.

FUNDING: Water Fund



Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachments

cc: Randy Hays, City Attorney
Wally Sandelin, City Engineer
Fran Forkas, Water/Wastewater Superintendent
Anders Christensen – Woodbridge Irrigation District
Anthony Saracino – Saracino, Kirby, Snow

Table 3-5. Historical Water Production

Year	Annual average			Maximum day		Peaking factor ^b
	ac-ft/yr	mgd	gpm	mgd	gpm	
1977	10,578	9.44	6,556	19.28	13,389	2.04
1978	11,478	10.25	7,118	-- ^a	--	-- ^a
1979	12,349	11.02	7,653	22.50	15,625	2.04
1980	12,312	10.99	7,632	24.00	16,667	2.18
1981	12,487	11.15	7,743	22.34	15,514	2.00
1982	11,560	10.32	7,167	21.30	14,792	2.06
1983	11,539	10.30	7,153	21.67	15,049	2.10
1984	13,997	12.50	8,681	26.20	18,194	2.10
1985	14,814	13.22	9,181	-- ^a	--	-- ^a
1986	15,081	13.46	9,347	26.91	18,688	2.00
1987	15,305	13.66	9,486	27.00	18,750	1.98
1988	15,360	13.71	9,521	28.40	19,722	2.07
1989	14,654	13.08	9,083	28.50	19,792	2.18
1990	15,387	13.74	9,542	24.29	16,868	1.77
1991	13,313	11.88	8,250	21.55	14,965	1.81
1992	13,985	12.48	8,667	24.00	16,667	1.92
1993	14,013	12.51	8,688	24.10	16,736	1.93
1994	14,301	12.77	8,868	22.94	15,931	1.80
1995	14,390	12.85	8,924	24.64	17,111	1.92
1996	15,102	13.48	9,361	27.93	19,396	2.07
1997	16,330	14.58	10,125	28.68	19,917	1.97
1998	14,461	12.91	8,965	29.66	20,597	2.30
1999	16,587	14.81	10,285	28.32	19,667	1.91
2000	-- ^a	-- ^a	--	-- ^a	--	-- ^a
Average 1977 – 1999						2.01
Average 1990 – 1999						1.94

Source: City of Lodi Public Works Department

^a Data unavailable.^b Maximum day peaking factor = maximum day demand/annual average day demand.

3.2.3 Unaccounted-for Water. Unaccounted-for water use is unmetered water use such as from fire protection and training, system and hydrant flushing, sewer cleaning, construction, system leaks, and unauthorized connections. Unaccounted-for water can also result from meter inaccuracies. Since the City of Lodi's system is not completely metered, data are unavailable for determining the percent of unaccounted-for water. Unaccounted-for water is generally assumed to be approximately 10 percent of total water production.

3.3 Unit Water Use

Historical unit water use expressed as gallons per connection per day (gpd/connection) and as gallons per capita per day (gpd/capita) are shown in Table 3-6. These unit demands include unaccounted-for water.

Table 3-6. Connection and Population Unit Water Use

Year	Connection unit water use demands, gpd/connection ^a	Population unit water use demands, gpd/capita ^b
1996	834	248
1997	894	267
1998	777	232
1999	884	260

^a Gallons per connection per day.^b Gallons per capita per day.

3.4 Projected Water Demands

Future water demands are estimated in this report based on a constant 1.5 percent annual water demand growth rate. Demands were projected based on actual water use in 1999. These projections are shown in Table 3-7 and illustrated on Figure 3-2. By 2020, average annual water demands are expected to increase by 36 percent, from 14.8 mgd (16,587 ac-ft/yr) in 1999 to 20.3 mgd (22,727 ac-ft/yr) in 2020. Reductions in water use due to conservation measures taken in the future are not reflected in the projected water demands.

Table 3-7. Total Projected Water Demands

Year	Annual average		Maximum day
	ac-ft/yr	mgd	mgd
2000	16,874	15.1	29.2
2005	18,178	16.2	31.5
2010	19,583	17.5	33.9
2015	21,096	18.8	36.5
2020	22,727	20.3	39.4

standard. None of the 24 Lodi wells sampled from 1997 to 2000 contained arsenic concentrations higher than the new standard of 10 µg/L. Therefore, the new arsenic standard is not an issue for the City.

Dibromochloropropane (DBCP) was a chemical previously used by farmers in the Lodi area to control nematodes in vineyards and other crops. DBCP was banned in California in 1977, but is still present in trace levels in some groundwater supplies. The MCL for DBCP has been set at 0.2 micrograms per liter (µg/L). The year 2000 average concentration of DBCP in water delivered from Lodi's 24 wells was 0.04 µg/L. Approximately a fourth of Lodi's wells have granular activated carbon (GAC) filters to remove DBCP, while the remaining wells have no detectable or trace amounts of DBCP (City of Lodi Public Works Department, 2000).

The U.S. EPA is proposing the Ground Water Rule (GWR), which contains measures to establish multiple barriers to further protect against bacteria and viruses in drinking water from ground water sources. The proposed GWR will specify when corrective action (including disinfection) is required to further protect groundwater system consumers from bacteria and viruses. The GWR is scheduled to be issued as a final regulation in summer 2001. The City of Lodi may be required to disinfect (i.e. chlorinate) its groundwater sources as a result of this proposed rule.

4.3 Current and Projected Water Supplies

The projected annual sustainable water supply and demand for the Lodi system is compared and summarized in Table 4-1. Recycled water supply is addressed in Chapter 6. As described earlier, the groundwater basin is in an overdraft condition. Therefore, the sustainable groundwater extraction rate for the City is likely something less than current annual pumping rates. For the purposes of this study, the sustainable groundwater supply is assumed to be approximately equivalent to the 1980 pumping rate, or approximately 12,000 ac-ft/yr. This assumption regarding sustainable groundwater supply is only an approximation since the safe yield of the groundwater basin underlying the City has not been defined. As a comparison, the 1990 through 1999 groundwater use averaged 14,787 ac-ft/yr. As shown in Table 4-1, the water supply is not adequate to meet projected demands.

Table 4-1. Water Supply and Demand Comparison, ac-ft/yr

	2000	2005	2010	2015	2020
Sustainable Water supply					
Surface water	0	0	0	0	0
Groundwater ^a	12,000	12,000	12,000	12,000	12,000
Recycled water ^b	0	0	0	0	0
Total	12,000	12,000	12,000	12,000	12,000
Demand	16,874	18,178	19,583	21,096	22,727
Surplus or (Deficit)	-4,874	-6,178	-7,583	-9,096	-10,727

Units of Measure: ac-ft/yr

^a Based on 1980 pumping rate.

^b Based on current conditions. Recycling may occur in the service area within 20 years.

4.4 Water Supply Reliability

The annual quantity of groundwater available does not significantly vary up or down in relation to wet or dry years. The estimated year 2020 water supply available in average, dry, and multiple dry

**CITY OF LODI
CITIZEN REQUEST TO SPEAK CARD**

NOTE: Please **submit card to the City Clerk** prior to the opening of the meeting, or as soon thereafter as possible.

I request permission to speak:

Name: Anders Christensen
(please print)

Address: Woodbridge Irrigation District
(optional) City Zip Code

Date: _____ Phone: _____
(optional)

My comments relate to Agenda Item(s) # Woodbridge Water Agreement

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NOTE: Please **submit card to the City Clerk** prior to the opening of the meeting, or as soon thereafter as possible.

I request permission to speak:

Name: DENNIS F. HAUGAN
(please print)

Address: 1132 Port Chelsea Cir Lodi 95240
(optional) City Zip Code

Date: 3.11.03 Phone: 333-7064
(optional)

My comments relate to Agenda Item(s) # WATER PURCHASE FROM WID

**CITY OF LODI
CITIZEN REQUEST TO SPEAK CARD**

NOTE: Please submit card to the City Clerk prior to the opening of the meeting,
or as soon thereafter as possible.

I request permission to speak:

Name: ED STEFFANI
GEN. MANAGER, N.S.J.W.C.D.

Address: _____
(optional) City Zip Code

Date: 2/11/03 Phone: _____
(optional)

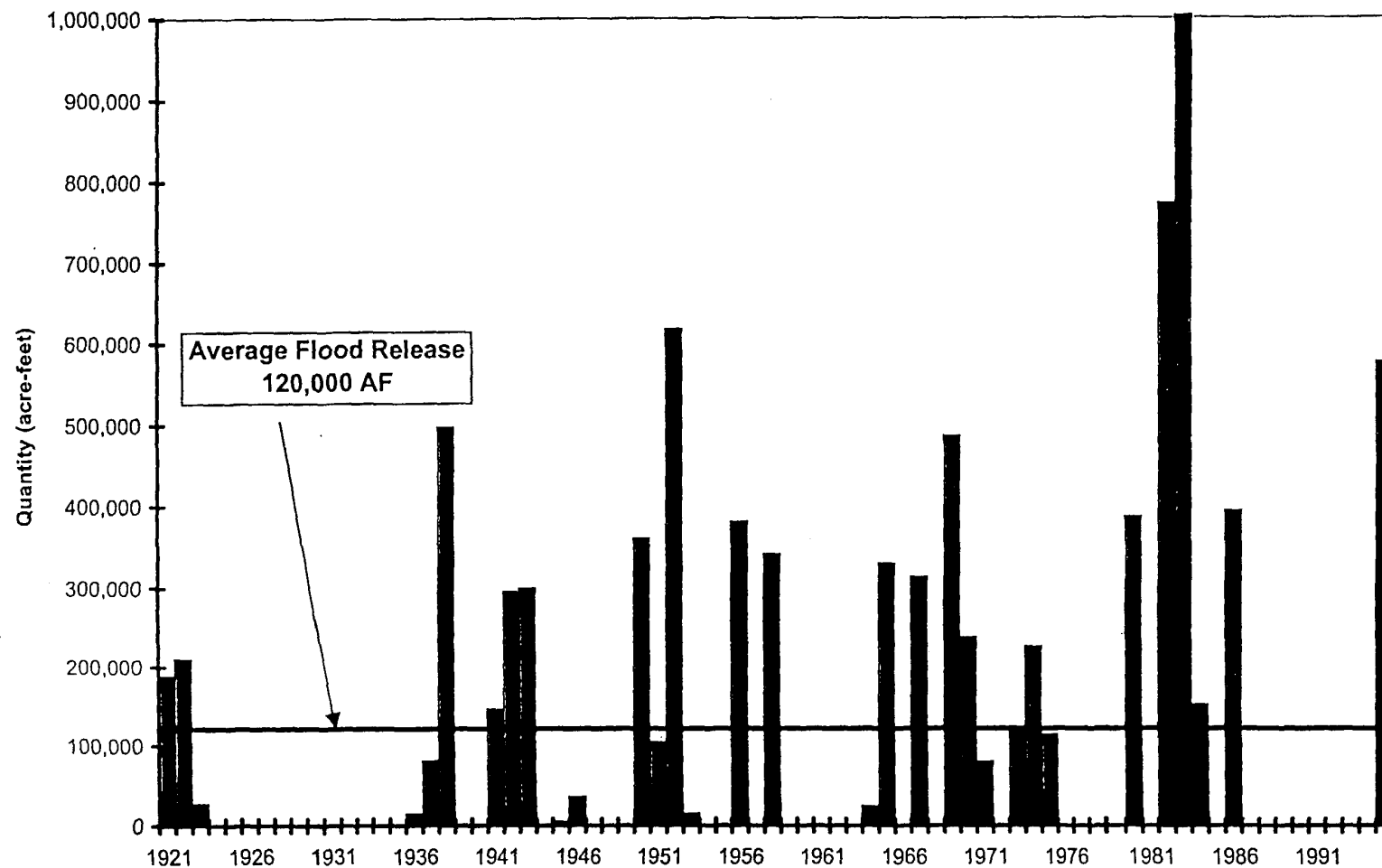
My comments relate to Agenda Item(s) # C-1

Table 1 – Summary of Alternatives

Alternative	Middle Bar	Expanded Pardee	Duck Creek Reservoir
<i>Location</i>	On the Mokelumne River in the upper reaches of Pardee Reservoir	New Pardee Dam would be located approximately 1 mile downstream of current dam on Mokelumne River	On Duck Creek, a little over a mile north of State Highway 26
<i>Dam size</i>	190-foot high, 800 feet long Dam crest elevation: 684 feet	New dam on Mokelumne: 400-foot high, 1950 feet long Dam crest elevation: 614-624 feet	157-foot high Dam crest elevation: 312 feet
<i>Necessary infrastructure</i>	Transmission facilities to convey water to SJC service areas, raise or replace Highway 49 bridge	Saddle dam between the reservoir and Jackson Valley, new intake tower, raise or replace Highway 49 bridge, transmission facilities	From Pardee, a 10,300-foot long tunnel to a 57,400-foot long pipeline to discharge to Duck Creek Reservoir Several saddle dams
<i>Storage amount</i>	40,000 acre-feet	Additional 173,000 acre-feet	200,000 acre-feet
<i>Estimated average annual yield</i>	42,100	66,200	69,800
<i>Cost/acre-foot</i>	\$409	\$544	\$379
<i>Power generation - facility size</i>	31 MW	20 MW	5.13 MW
<i>Power generation - average annual power generated</i>	80 GWh/year	85 GWh/year	15.27 GWh/year
<i>Annual average revenue from power generation ¹</i>	\$4,000,000	\$4,250,000	\$763,500
<i>Environmental impacts</i>	On-stream storage impacts riparian areas and wetlands	Some impacts to special status plant communities upstream of dam, 1 to 10 bald eagles have been found yearly in the project area	CDFG has a conservation easement on property
<i>Recreational resources</i>	Would inundate a portion of the Electra whitewater run	Some impacts may occur to the Electra whitewater run, but they are mitigable on-site	No whitewater impacts
<i>Public opinion</i>	On-stream storage reservoirs are politically unpopular		Landowner is not in favor of dam CDFG has a conservation easement on property
<i>Potential partners</i>	Lodi, Stockton, EBMUD, Calaveras and Amador Counties	Calaveras and Amador Counties Must partner with EBMUD	Lodi, Stockton, EBMUD

Note 1: Revenue is calculated assuming a power cost of \$0.05

Estimated Annual Flood Releases from Camanche/Pardee



Cumulative Change in Storage from San Joaquin County IGSM Model

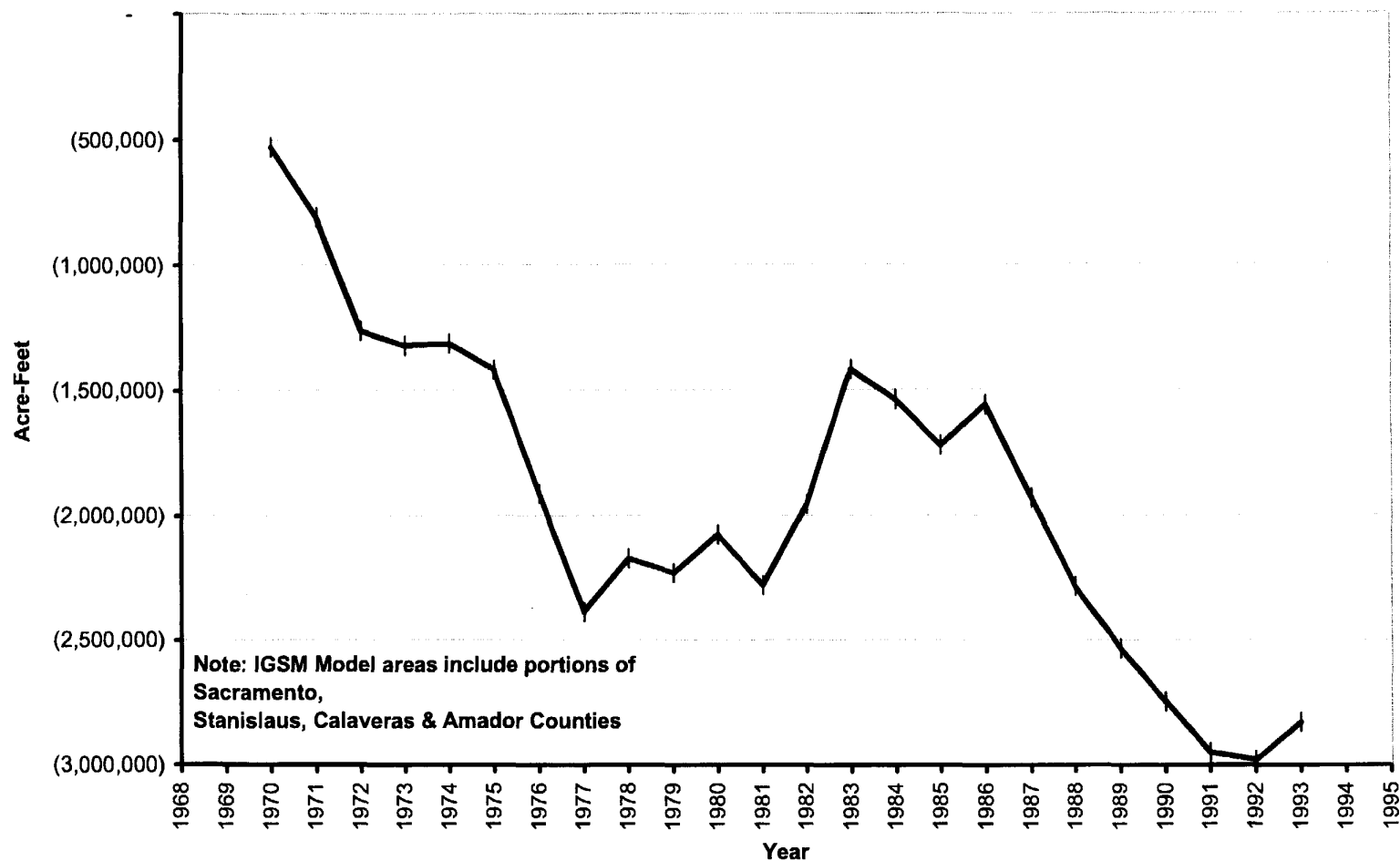
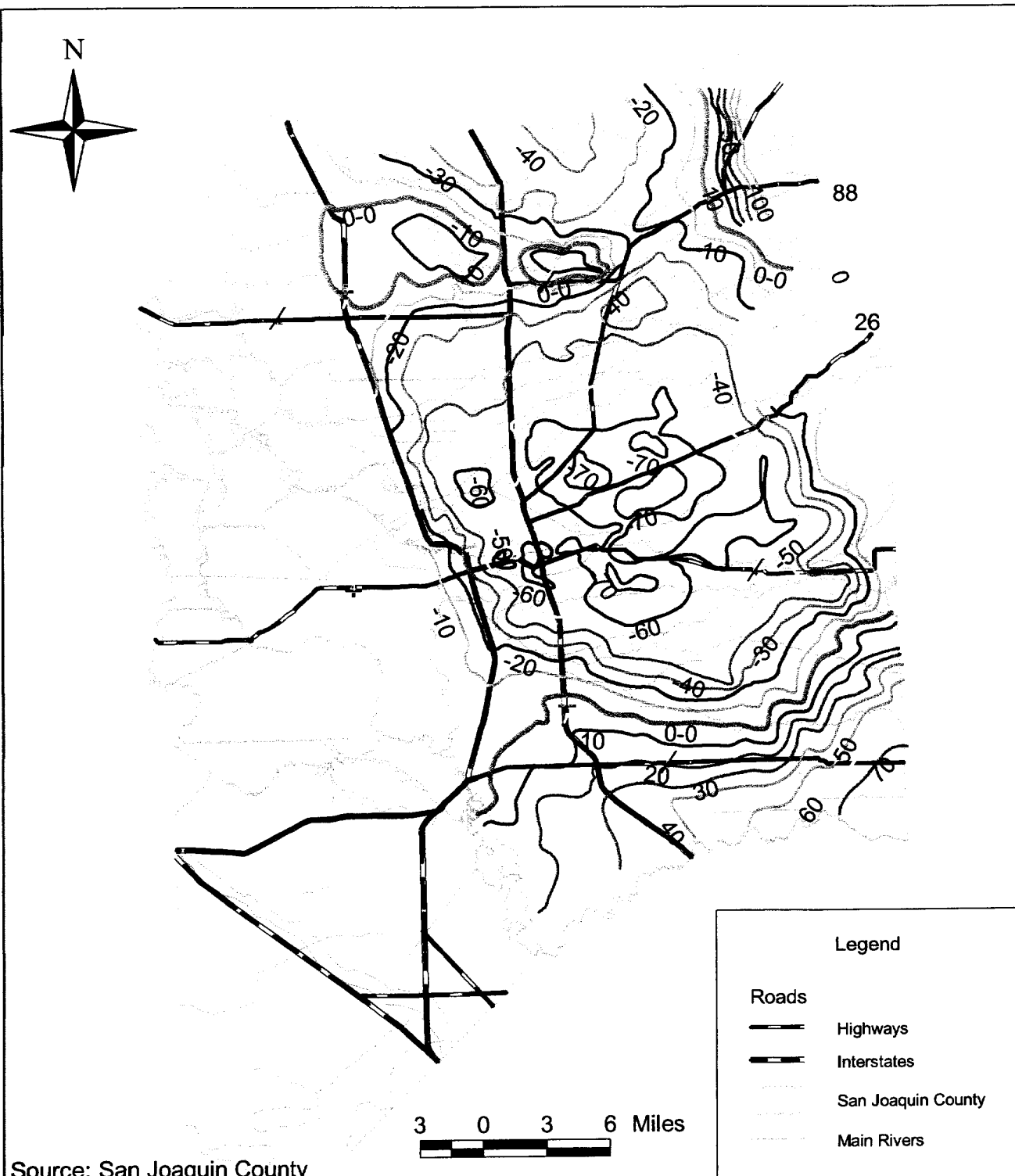
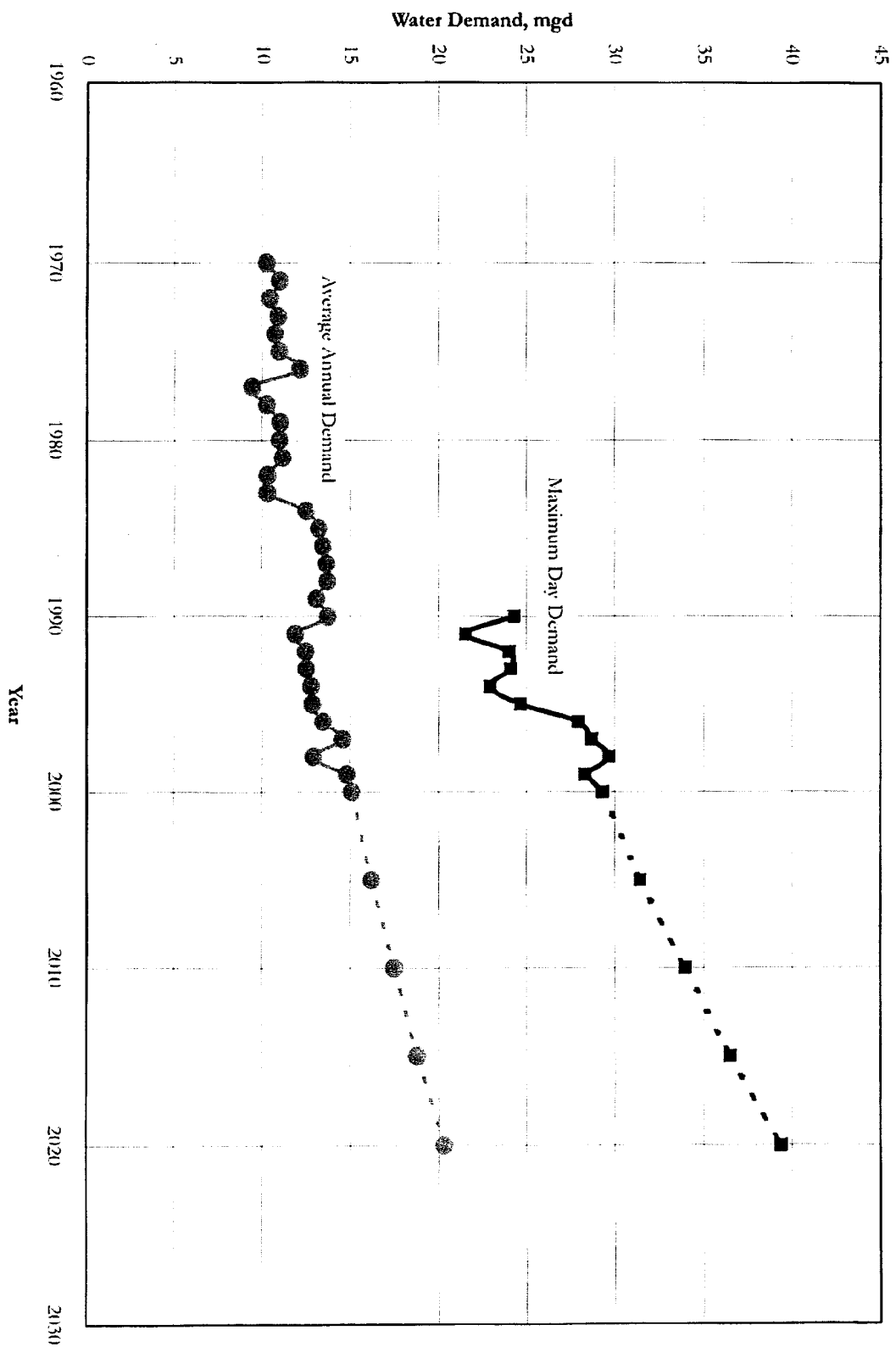


Figure 2-13
Cumulative Change in Storage for IGSM Model Area
San Joaquin Water Management Plan



Source: San Joaquin County

Figure 2-2
Fall 1993 Groundwater Table Elevation (Feet, msl)
San Joaquin County Water Management Plan



BROWN AND
CALDWELL

DATE:

2-7-01

PROJECT:

20650

TITLE:

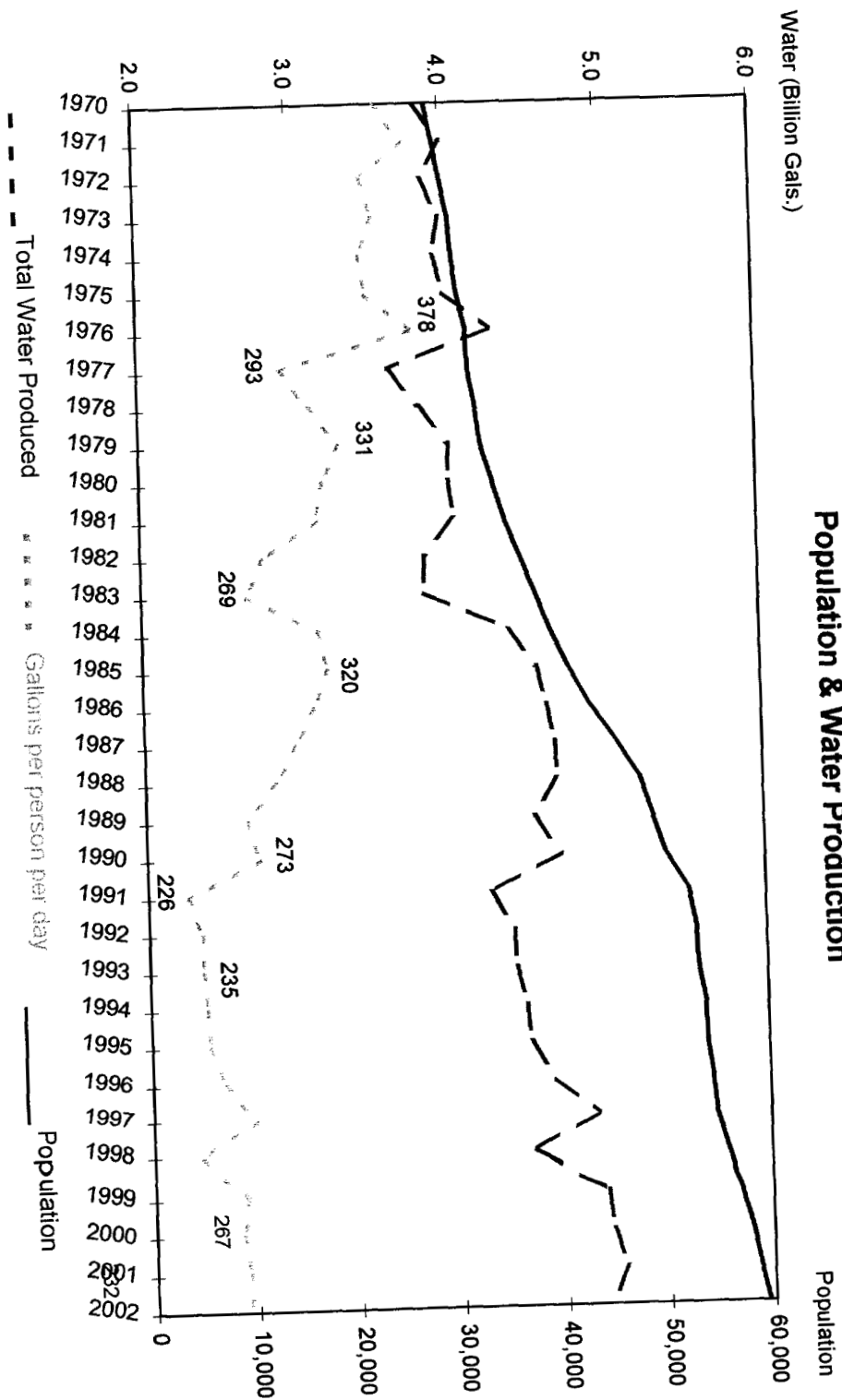
Historical and Projected Water Demand within the City of Lodi

City of Lodi

FIGURE

3-2

CITY OF LODI Population & Water Production



filed 3-11-03

WID Water Sale Agreement

- **Need**
 - Declining water table due to past & current use
 - Continued growth in demand
 - State laws linking water supply/new development approval
- **Alternatives**
 - Mokelumne River
 - Contracts with other entities
 - Recycling
- **Main Points of Sale**
 - 6,000 acre-feet of water annually to the City
 - Payment of \$1.2 million annually (\$200 per ac-ft.)
 - City to build and pay for facilities necessary to use the water
 - Provisions for additional water under various circumstances
 - Price escalator provisions after six years
 - 40-year term
 - Provisions for dry year curtailments
 - Provisions for “carryover” or banking of water
 - Use of the District canal and rights-of-way for delivery and distribution
- **Pros**
 - Certainty
 - “Delivered to our back door”
 - Provisions for additional water
 - WID project provides other benefits
- **Cons**
 - Costs \$ now
 - Going it “alone”
 - Not a permanent water right

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

March 7, 2003

Mr. Anders Christensen
Woodbridge Irrigation District
18777 N. Lower Sacramento Road
Woodbridge, CA 95258

Mr. Anthony Saracino
Saracino Kirby Snow
980 9th Street
Sacramento, CA 95814

SUBJECT: Woodbridge Irrigation District (WID) Water Agreement

Enclosed is a copy of background information on an item on the City Council Shirtsleeve Session agenda of Tuesday, March 11, 2003. The meeting will be held at 7 a.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is being presented for information only and no action will be taken at the Shirtsleeve Session.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Shirtsleeve Session, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call me at (209) 333-6759.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk

NCWIDWATERAGMT

DIRECTORS
George A. Gillespie
Thomas Hoffman
Jerry D. Mettler
Matthys Van Gaalen
Fred Weybret

**NORTH SAN JOAQUIN WATER
CONSERVATION DISTRICT**
221 W. Pine St., Lodi, CA 95240

GENERAL MANAGER
Edward M. Steffani

LEGAL COUNSEL
Stewart C. Adams, Jr.

March 18, 2003

Mayor and Councilmembers
City of Lodi

SUBJECT: Woodbridge Irrigation District Water Purchase

Dear Mayor and Councilmembers:

I am writing in reponse to your invitation to provide a written supplement to my remarks of 3/11/03.

Some time ago, Richard Prima told me that he was talking to WID about using some of the District's surplus water. I said, "more power to you" and that I had also been talking with Andy Christensen about temporary, one year transfers of surplus water to NSJWCD for recharge projects. The surplus water I was talking about is wet year water WID is entitled to, but according to my knowledge, has not and probably will not ever use. I assumed Richard Prima was thinking about the same water.

I was literally shocked a week ago when I read a newspaper article reporting that WID proposes selling water that has been recharging our critically overdrafted basin. I was even more shocked to read that Lodi was considering paying \$1.2 million a year and more for the right to do what WID had been doing for years at no cost to Lodi.

NSJWCD can do no more than talk about temporary transfers until it has a way to fund recharge projects. The District has just obtained legislation authorizing an acreage charge, subject to an election. With voter approval, the District would be able to execute recharge projects using District water and perhaps, surplus wet year water from WID. We have always assumed that WID would not charge for unusable water because NSJWCD would use it for recharge for the benefit of the "community".

I asked that the City take no action on the WID proposal until NSJWCD could bring three matters to conclusion. These are: 1) The District's letter to the State, requesting reallocation of Mokelumne River water improperly awarded to EBMUD, 2) The District's petition to the State for extension of its temporary, 20,000 acre feet per year (AFA) right to water from the Mokelumne River, and 3) the above described election planned for July 2003.

Letter Requesting Reallocation of Mokelumne River Water (copy enclosed)

It is true that NSJWCD has made other such attempts in the past. It is also true that the current attempt is different for two major reasons.

The letter has been endorsed by local water districts and by our State Legislators. We believe the State will pay attention this time.

This attempt includes an extremely reasonable way for EBMUD to replace water lost to the proposed reallocation. As you know, EBMUD is about to construct the Freeport Project to convey dry year water from the Sacramento River to the EBMUD aqueduct near Clements. The facility would sit idle for at least 60% of the time.

San Joaquin County is currently working to move a pending American River water right to Freeport. This water could be conveyed by the Freeport facilities when not in use by EBMUD during dry years.

So, where reallocation could have imposed a severe hardship on EBMUD in the past, there is a real remedy available today.

Petition To Extend Existing 20,000 Acre-Feet Annually (AFA) Water Right

As I reported on 3/11/03, both NSJWCD and EBMUD have petitioned the State for extension of their water rights. Neither entity has put all permit water to beneficial use, and the State could deny extension unless valid reasons exist for non-use, and unless use can be assured for the near future.

NSJWCD has been using only 3,000⁺ AFA because its intermittent availability is not attractive to growers. NSJWCD is attempting to correct this problem by using the water for direct recharge. More about this in the section on the District's proposed acreage charge.

The 17,000 AFA not used currently could be given to the City for City recharge as proposed for the WID water, but as will be explained later, spreading basin recharge of this water east of the City would be much, much more cost effective.

The 17,000 AFA is a part time supply, available only 60% of the years, for an average annual supply of 10,200 AFA. But, this is almost double the 6,000 AFA from WID for 80% of the time, and 3,000 AFA for 20% of the years for an average of 5,400 AFA.

Agreement by the City to use the 17,000 AFA would assure State extension of the 20,000 AFA right. The water would be available at virtually no cost to the City. If the City chooses to inject the water as it proposes for the WID water, it would face the \$20 per AF wheeling charge suggested by WID, plus the same treatment costs for the WID water. The total annual cost for City use of an average 5400 AFA of NSJWCD water would be \$1.1 million less than for WID water.

The community (WID. and NSJWCD) must find a cost-effective way to recharge the 6,000 AFA WID water and the 17,000 AFA from NSJWCD. As pointed out on 3/11, before WID growers switched from flood to drip irrigation, the 6,000 AFA was recharging our critically overdrafted groundwater basin. If the City were to pay \$1.2 million annually for this water, it would be paying for something that WID did for nothing.

What is cost effective recharge? It certainly is not injection, which requires expensive treatment. The least costly is flood irrigation. The next is spreading basin recharge.

One could argue that, since WID. has the same responsibility for protecting the groundwater basin as NSJWCD, it should provide spreading basins for the 6,000 AFA

not used by drip irrigation, at no charge to the City, to simply keep things the way they were prior to conversion to drip.

Should the City desire to assist WID with a spreading basin project, the City costs for recharging the 6,000 AFA would be much, much less than the \$1.2 million plus treatment costs. My very preliminary estimate of annual cost for a 6,000 AFA spreading basin project is less than \$150,000. This assumes land rental of \$800 per acre per year for 60 acres, debt service for a capital expenditure of \$200,000, and O & M costs of \$90,000. The benefit to the groundwater basin would be the same for such a spreading basin project or for the \$1.2 million plus proposal.

Any proposal to sell the previously recharged 6,000 AFA outside the overdrafted basin would be no different than selling groundwater. The latter is prohibited by San Joaquin County Ordinance.

As is discussed in the following section, NSJWCD proposes to construct spreading basins easterly of the City.

NSJWCD Proposed Acreage Charge

The District will conduct a mailed ballot election this July, to seek permission to impose an annual charge up to \$5 per acre or portion of an acre, in order to construct and operate spreading basin recharge projects. The charge can not exceed \$1 per acre unless the District uses more than 3,000 AFA. Please see the sample ballot included with this letter.

We asked that the City defer action on the WID proposal until it has thoroughly considered these alternative proposals. Should landowners approve the charge, the State would be much more likely to grant an extension of the 20,000 AFA water right because the local community would be willing to tax itself to use the water for recharge. Conversely, should the voters not approve the charge, there would be no reason for the State to grant an extension. With no extension, there would be no 17,000 AFA for recharge by either the City or by NSJWCD. But, with a successful election and extension, the 17,000 AFA would be available for the City at virtually no charge, a much better deal than that proposed by WID.

Proposed Joint Powers Agency

Lodi, WID and NSJWCD must work together, for the good of the Community, to correct our share of the overdraft!

Stockton East Water District (SEWD), Central San Joaquin Water Conservation District (CSJWCD), and NSJWCD are currently working to form an Eastern San Joaquin County Joint Powers Agency (JPA) to speak with one voice and to seek Proposition 50 grants for recharge projects. The JPA is expected to be operating within two months. I informed WID's Andy Christensen two or three months ago of our intent to form the JPA and asked if WID wanted to be included. He indicated that WID was not interested. If WID were part of the JPA, a JPA grant application could be filed for funds to construct a new Woodbridge dam and facilities required to recharge not only the 6,000 AFA offered for sale, but the wet year water not currently used by WID, plus the 17,000 AFA of NSJWCD water.

The State is developing rules for Prop 50 grants for applications this year. If they are anything like the recent Prop 13 grant rules, matching funds will be required. If Lodi is prepared to spend \$1.2 million per year plus treatment costs to recharge an average 5400 AFA, and to benefit from a new dam, the City should be more than willing to contribute \$1.2 million per year to recharge the 5400 AFA plus another estimated average 12,000 AFA of WID interim wet year water, plus yet another average 10,200 AFA of NSJWCD wet year water, for a total 27,600 AFA. The JPA, including WID, could apply for a Prop 50 grant equal to the capitalized value of the \$1.2 million per year plus another estimated \$0.2 million per year from the proposed NSJWCD acreage charge. \$1.4 million capitalized at 5% would be \$28 million. A \$28 million grant could be sought for up to a \$56 million project. I don't think the cost would be this great. I have simply capitalized the \$1.4 million to demonstrate how much grant money might be leveraged.

The above project would include the proposed new Woodbridge dam, needed for wintertime gravity flow through existing Woodbridge canals to spreading basins and fields plus conveyance facilities and spreading basins, etc. for areas easterly and northeasterly of the City.

Again, for \$1.2 million per year, and without treatment costs, the City would benefit from a new Woodbridge dam, and from recharge of the 5400 AFA currently offered, plus an additional 22,200 AFA.

Estimates of the combined WID, NSJWCD and adjoining areas share of the overdraft range from 30,000 AFA to 70,000 AFA. The 27,600 would certainly help correct the overdraft but would not eliminate it. More water will be required. That, and the fact that the WID interim and the NSJWCD water rights are temporary are the reasons why NSJWCD is seeking reallocation of 50,000 AFA from EBMUD.

In conclusion, I again ask that the City defer action on the current proposal, not only to allow NSJWCD to conclude the three described matters, but to allow time for the City to work with WID and NSJWCD and the eastern County JPA to seek a Prop 50 grant for construction of a new dam plus facilities for recharge of an average 27,600 AFA of water currently under control of WID and NSJWCD.

Sincerely,



Ed Steffani
General Manager

ES/bss

cc: Richard Prima
Anders Christensen
Ross Farrow, Lodi News Sentinel
Jeff Hood, Stockton Record
NSJWCD Directors
Joe Petersen, Farm Bureau

DIRECTORS
George A. Gillespie
Thomas Hoffman
Jerry D. Mettler
Matthys Van Gaalen
Fred Weybret

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

GENERAL MANAGER
Edward M. Steffani

LEGAL COUNSEL
Stewart C. Adams, Jr.

February 28, 2003

Board Members
State Water Resources Control Board

SUBJECT: Decision 858

Dear Board Members:

We are writing to ask that you correct an injustice that has existed since 1956, when your predecessor, the State Engineer, rendered the subject decision.

North San Joaquin Water Conservation District (NSJWCD) applied for a permanent water supply of 100,000+ acre feet per year from the Mokelumne River on 12/2/48, in order that it might provide supplemental surface water for its 54,000 acre area, comprising vineyards and the municipality of Lodi (current population 55,000), overlying the critically overdrafted eastern San Joaquin County and Cosumnes Basins.

Shortly thereafter, on 6/16/49, the East Bay Municipal Utility District (EBMUD) applied for Mokelumne River water to supplement its existing right to store water in Pardee Reservoir for diversion to the East Bay.

Although NSJWCD filed its application ahead of EBMUD, the State Engineer found that the water should go to EBMUD because he believed the EBMUD municipal use to be a higher priority than the proposed NSJWCD use and because NSJWCD would receive its supply from the proposed Folsom South Canal.

It is interesting to note that the State took no action on NSJWCD's 1948 application until July 1956, just three months after the USBR published a report outlining the "Folsom South Unit".

We submit that the State Engineer's error with respect to the "municipal use" issue and the failure of the Folsom South project are two valid reasons for the SWRCB to revisit this matter.

We believe the State Engineer erred by not recognizing that continued agricultural use of groundwater from the overdrafted basin shared by the vineyards and the City of Lodi would negatively impact Lodi's municipal groundwater supply. He should have noted that agricultural use of surface water would have protected the municipal supply just as would expensive treatment of surface water for direct delivery to the urban area.

Back in the late 1950's and 1960's, everyone believed that the Folsom South Canal would be constructed, and that NSJWCD would in fact obtain its permanent surface water supply from that source. That is why NSJWCD did not appeal Decision 858. We

also believe that Decision 858 would have been written in NSJWCD's favor if there were no proposal to build the Folsom South Canal.

So, here we are today, some fifty years later, with no Folsom South Canal and no plans to construct it. In fact, the Sacramento urban area is saying that no such canal will ever be extended beyond its current terminus near Rancho Seco. Groundwater levels continue to fall, as much as 75 feet since 1958, because NSJWCD has no permanent surface water supply.

We obviously have a serious problem crying for a solution. The State, in assuming that NSJWCD's water supply would be provided by the Folsom South Canal, not only granted Mokelumne River water to EBMUD, but also acted upon numerous other water rights applications without giving any consideration to what NSJWCD was to do if the Folsom South supply were not available.

Failure of the Bureau of Reclamation's Folsom South project is not the State's fault, but provision of water to replace the NSJWCD water granted by the State to EBMUD in 1956 is definitely the State's responsibility. NSJWCD played by the rules and has been more than patient, waiting these many years for Folsom South. We submit that 54 years is long enough. It is now reasonable to ask the State to find replacement water.

We would guess that SWRCB staff might correctly say that NSJWCD is not alone in waiting for Folsom South water. What the staff should also say is that the NSJWCD situation is unique because NSJWCD's application for Mokelumne River water was denied because the State assumed completion of Folsom South. It is not because NSJWCD did something wrong, but because the State made the wrong assumption, that NSJWCD finds itself without Mokelumne water.

We submit that there is only one solution, the one that would have followed a Decision 858 written in the favor of NSJWCD. Such would have been the case had the State Engineer assumed in 1956 that there would be no Folsom South Canal in the year 2003. We ask that a permanent supply of 50,000-acre feet per year from the Mokelumne River be granted to NSJWCD.

We fully understand that EBMUD will oppose our request. EBMUD does, however, have a way to mitigate the loss of water to NSJWCD. EBMUD is currently working on the Freeport project, intended to divert dry-year water from the Sacramento River to the EBMUD Aqueduct near Camanche Lake on the Mokelumne River. This facility could convey wet-year water for EBMUD, in an amount equal to the proposed NSJWCD right.

Reallocation of 50,000-acre feet per year would not impact EBMUD immediately. It would take a number of years for NSJWCD to use this amount. Reallocation would however, allow NSJWCD to plan, design, and finance facilities required for full use of the 50,000-acre feet per year.

NSJWCD appeared before the SWRCB during the the Mokelumne River and Bay Delta Hearings, and made formal requests for reallocation of the Mokelumne River water rights because of changed conditions. In Decision 1641, the SWRCB stated that this

was, "...not the proper proceeding for the SWRCB to make the kind of change NSJWCD is requesting". The Board has taken no action following the Mokelumne hearings even though the 8/6/92 Notice of Public Hearing included the following issues for the hearing;

"What are the existing and projected water demands of EBMUD, WID, and NSJWCD? What water rights do these agencies have to satisfy their current and further demands?"

"How much water is available in the Mokelumne River Watershed to meet the demands of EBMUD, WID, NSJWCD, and for the public trust uses and resources of Camanche and Pardee Reservoirs and the lower Mokelumne River?"

Why were these questions asked unless the Board intended to make a decision in carrying out its statutory duties to resolve these issues?

Instead of rendering a decision, the SWRCB allowed its Chief of the Division of Water Rights to send an April 26, 2001 communication (copy enclosed).

The document states that "...issues regarding the relative priorities of competing water rights to the Mokelumne River were addressed long ago and the statute of limitations regarding past decisions is long past".

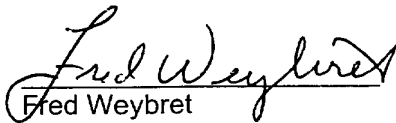
This is truly an incredible position for the State to take. It tells NSJWCD in 1956 to wait for the Folsom South water intended to replace the Mokelumne River water it has given to EBMUD, and after waiting patiently for 45 years, NSJWCD is told by the State that the statute of limitations bars it from seeking relief. At any rate, there can be no statute of limitations with respect to reallocations.

EBMUD has not met the legal requirement to place all of the water granted to it pursuant to Application 013156 and Permit No. 47810 to full beneficial use. On November 27, 2000, EBMUD submitted a petition for extension of time for this permit. In light of the State Board's recent draft decision in the Oroville-Wyandotte Irrigation District and Yuba County Water District that did not grant a petition for extension of time and restricts the amount of water that may be licensed to that which was put to beneficial use, it is appropriate at this time to institute reallocations proceedings.

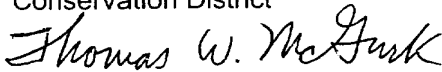
Moreover, in 1984 the California Legislature amended the Water Code to provide area of origin protections that are specifically applicable to the Mokelumne River system. Water Code section 1216 provides that "a protected area (of which the Mokelumne River is one) shall not be deprived directly or indirectly of the prior right to all the water reasonably required to adequately supply the beneficial needs of the protected area...by a water supplier exporting...for use outside a protected area pursuant to applications to appropriate surface water filed...after January 1, 1985." Here, EBMUD's petition for extension of time to put the water to beneficial use under Permit 10478 is tantamount to filing a new application. As such, it is necessary and legally appropriate for the State Board to revisit the issue of water allocations at this time and ensure that NSJWCD is not deprived of water that is desperately needed to assist in remedying the critically overdrafted groundwater basin.

Based upon the unfair treatment, NSJWCD has received, we believe the SWRCB should initiate reallocation proceedings. Accordingly, we ask the SWRCB to schedule a hearing, as soon as possible, to consider reallocating Mokelumne River Water to NSJWCD.

Thank you for your consideration.



Fred Weybret
President
North San Joaquin Water
Conservation District



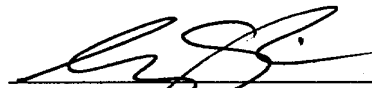
Tom McGurk
President
Stockton East Water District



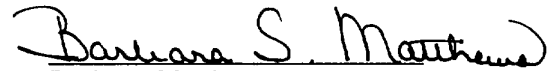
Grant Thompson
President
Central San Joaquin Water
Conservation District

President
Central Delta Water Agency


President
South Delta Water Agency



Gregory Aghezzarian
Assemblyman
26th District



Barbara Matthews
Assemblywoman
17th District



Alan Nakanishi
Assemblyman
10th District

Agenda 3/4/03
item 6.

Official Ballot
Authority to Levy Acreage Charge
North San Joaquin Water Conservation District
2003

INSTRUCTION TO VOTERS:

To vote on the measure, mark an "X" in the voting square after the word "YES" or after the word "NO".

John Jones
1 Any Street
Lodi, CA 95240

Mail or deliver this ballot to North San Joaquin Water Conservation District, City Hall, 221 West Pine Street, Lodi, CA 95240 or hand deliver to 221 West Pine Street, CA. Ballots must be received prior to the close of Acreage Charge Ballot Hearing which is to commence at _____.

If you wrongly mark, tear, or deface this ballot, return it to the North San Joaquin Water Conservation District, C/O Lodi City Hall and a new one will be issued to you. If you make changes on the face of this ballot, please initial each change.

MEASURE SUBMITTED TO VOTE OF VOTERS

The Board of Directors of North San Joaquin Water Conservation District may levy an annual acreage charge of no more than \$5 per acre or portion of an acre in accordance with the following limitations established by State law. During the years 2004, 2005, and 2006, the District may levy no more than \$1 unless the amounts of water deposited during the previous year exceed the amounts shown in the following table:

Acreage Charge Allowed	Amount of Water Deposited During the Previous Year (acre-feet)
\$1	0
\$2	5,000
\$3	8,000
\$4	10,000
\$5	12,000

For the year 2007 and each subsequent year, the District's authority to levy an acreage charge is limited as shown in the following table:

Acreage Charge Allowed	Amount of Water Deposited During the Previous Year (acre-feet)
\$1	3,000
\$2	5,000
\$3	8,000
\$4	10,000
\$5	12,000

No charge is automatic. The District Board may adopt the charge each year at a public meeting when the amount of water deposited during the previous year will be certified, and a budget for expenditure of acreage charge revenue will be adopted.

Total number of votes entitled to cast:

YES ☐

NO ☐

I, the undersigned, declare under penalty of perjury that I am a landowner or representative of a landowner or proxy, and I am entitled to vote all the votes as listed hereon.

Executed at _____, California, this _____ day of _____, 2003.

Printed Name

Printed Name

Signature

Signature

Assessor's Parcel No.

Acreage

Proposed Acreage
Charge

\$1

\$1

\$1

Proposed Acreage
Charge (Votes)